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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshiaki Kojima
Appl. No.: 08/909,023
Filed: August 11, 1997
Title: RECORDING, REPRODUCING, AND RECORDING/REPRODUCING APPARATUSES FOR RECORDING INPUT DATA IN A RECORDING MEDIUM CAPABLE OF NON-LINEAR ACCESS AND METHODS THEREFOR
Art Unit: 2615
Examiner: C. Onuaku
Docket No.: 112857-108

Assistant Commissioner for Patents
Washington, DC 20231

7/16/02

RESPONSE TO OFFICE ACTION

The present remarks are in response to the non-final Office Action entered in the above identified patent application and mailed on March 26, 2002. Claims 1-32 remain pending in the application. Claims 1-7, 9-14, 16-21 and 23-28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,737,481 to *Gushima et al.* Claims 8, 15, 22 and 29-32 were rejected as being unpatentable over *Gushima et al.* in view of U.S. Patent No. 5,940,241 to *Sasakura* in view of U.S. Patent No. 5,949,953 to *Shirakawa et al.* In light of the reasons set forth below, Applicant respectfully submits that all pending claims are in condition for allowance.

There are presently four independent claims pending in the instant application, namely, claims 1, 9, 16, and 23. Claims 9, 16 and 23 each include limitations that are substantially similar to claim 1. Claim 1 relates to a recording apparatus that includes recording means for recording first data in a recording medium. Further, claim 1 includes input means for inputting a start point and an end point of a desired second data. The second data is a portion of the first data. Claim 1 also requires control means for controlling the recording means so as to endlessly record the first data in the recording medium while avoiding the recording region where the

second data has been recorded. Thus, the claimed invention allows first data to be recorded in a recording medium and second data to be selected from the first data and the position of the second data to be marked, while continuously recording the first data, but not overwriting the marked position of the selected second data. Neither *Gushima et al.*, *Sasakura* or *Shirakawa et al.* disclose, teach or suggest the recording features of the claimed invention.

Claims 1-7, 9-14, 16-21 and 23-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,737,481 to *Gushima et al.* The Examiner asserts that *Gushima et al.* disclose the features of the claimed invention. This assertion is incorrect. *Gushima et al.* disclose an information recording apparatus for continuously recording information without losing any of the recorded information if the apparatus is temporarily disabled due to, for example, an external shock or vibration that is applied to the apparatus. *See*, *Gushima et al.*, Abstract, Lines 1-4 and Col. 1, Lines 23-26. To accomplish this continuous recording, as pointed out by the Examiner, *Gushima et al.* discloses a buffer memory 4.

When, for example, an external shock is applied to the apparatus disclosed by *Gushima et al.*, a recording-disable state is activated which triggers an overflow of the buffer memory 4. When the overflow is detected, "the memory controller 53 generates a write address so that the data after the detection of the overflow is written in the predetermined area in the buffer memory 4." *See*, *Gushima et al.*, Col. 31, Lines 46-51. Thus, *Gushima et al.* disclose that data after the detection of the overflow is only overwritten in the predetermined area. Accordingly, the apparatus of *Gushima et al.* keeps capturing data, but since the actual process of recording the data to the disk 1 has been disrupted, the apparatus temporarily uses the buffer memory 4 as a backup (i.e., a buffer) until the recording process is able to resume. However, unlike the claimed invention, *Gushima et al.* do not disclose input means for inputting a start point and an end point

of desired second data, the second data being a portion of the first data recorded on the recording medium.

The claimed invention allows a user to review the first data and **input** the desired starting and ending points of the second data that the user desires to protect. In contrast, *Gushima et al.* disclose a recording apparatus that automatically marks an address location to protect data from being overwritten upon the occurrence of a recording-disable state caused by, for example, an external shock applied to the apparatus. Thus, *Gushima et al.* do not disclose, at least, input means for inputting a start point and an end point of the desired second data, nor do they teach or suggest same. Accordingly, Applicant respectfully requests that the anticipation rejection with respect to claims 1-7, 9-14, 16-21 and 23-28 be withdrawn.

Claims 8, 15, 22 and 29-32 stand rejected as being unpatentable over *Gushima et al.* in view of U.S. Patent No. 5,940,241 to *Sasakura* in view of U.S. Patent No. 5,949,953 to *Shirakawa et al.* Claims 8, 15, 22 and 29-32 depend either directly or indirectly from independent claims 1, 9, 16, and 23. Therefore, Applicant respectfully submits that *Gushima et al.* is deficient with respect to claims 8, 15, 22 and 29-32 for substantially the same reasons that *Gushima et al.* is deficient with respect to claims 1, 9, 16, and 23, as described above. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 8, 15, 22 and 29-32 be withdrawn.

In light of the preceding remarks, Applicant submits that all of the pending claims are in condition for allowance and request that the Examiner allow the application to issue. However, if there are any remaining issues the Examiner is encourage to call Applicant's attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

If any additional fees are required in connection with this response, they may be charged to deposit account no. 02-1818.

Respectfully submitted,

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BY _____

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